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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,809	09/11/2003	Anthony J. Baerlocher	0112300-1629	7061

7590 12/04/2007  
Bell, Boyd & Lloyd LLC  
P.O. Box 1135  
Chicago, IL 60690-1135

EXAMINER
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PANDYA, SUNIT

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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12/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/660,809

Applicant(s)

BAERLOCHER, ANTHONY J.

Examiner

Sunit Pandya

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 and 27-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 and 27-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/2/07 & 8/16/07.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This action is in response to amendment filed 10/2/2007, wherein claims 1-3, 11-13, 27-29, 35-37, 39 & 45 have been amended and claims 22-26 and 47-53 have been canceled.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 9-20, 27-31, 34-36, 39-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Glavich (US Patent 6,309,300).

Claims 1 & 27: Glavich discloses of a gaming device comprising a display device, an input device (figure 1), a processor configured to operate with the display device and the input device to display base game operable upon a wager (col. 2: 58-67), display an outcome of the base game (col. 3: 33-43), and determine if a triggering event occurred in the outcome of the base game (col. 3: 46-57), and if the trigger even occurred, display plurality of selections associated with a bonus game, and for each picked selection determine the outcome associated with the selection, wherein the selection outcome is based on the

amount of wager placed in the base game (figure 1, element 116 & cols. 3-4: 58-28, wherein the selection outcome or the total number of selections picked by the players is in direct correlation with the wager amount). Glavich also discloses of displaying atleast one award, based on the outcome associated with the picked selections (cols. 4-5: 44-3).

Claims 2, 13, 28 & 40: Glavich discloses a game where the designated number of picks of the selection is based on the number of credit wagered per pay line in the base game (cols. 3-4: 58-28).

Claims 3 & 29: Glavich discloses of a game machine having an outcome based on the amount of wager in the base game (cols. 3-4: 58-28).

Claims 4 & 30: Glavich discloses of a game machine wherein the selection outcome includes an activation of a secondary display device (figure 1, #116 & col. 3: 47-53).

Claims 5 & 31: Glavich discloses of a game machine wherein the secondary display includes a symbol generator (col. 4: 48-3 & 5: 59-5).

Claims 9, 16 & 34: Glavich discloses of a gaming machine, which includes a plurality of reels (figure 1, #114).

Claims 10-11, 17, 35-36 & 42: Glavich discloses of a game machine wherein the activation of the secondary display device is made if a designated wager is made in the base game (col. 3: 45-54)

Claims 12 & 39: Glavich discloses of a gaming device comprising a display device, an input device (figure 1), a processor configured to operate with the display device and the input device to display base game operable upon a

wager (col. 2: 58-67), display an outcome of the base game (col. 3: 33-43), and determine if a triggering event occurred in the outcome of the base game (col. 3: 46-57), and if the trigger even occurred, display plurality of selections associated with a bonus game, and for each picked selection determine the outcome associated with the selection, wherein the selection outcome is based on the amount of wager placed in the base game (figure 1, element 116 & cols. 3-4: 58-28, wherein the selection outcome or the total number of selections picked by the players is in direct correlation with the wager amount). Glavich also discloses of displaying atleast one award, based on the outcome associated with the picked selections (cols. 4-5: 44-3). And providing a jackpot award, if the symbol generated by the bonus game results in a jackpot (col. 7: 14-22).

Claims 14 & 41: Glavich discloses of a game machine, which includes a plurality of awards, wherein the awards are associated with one of plurality of selection outcome (figures 3A-3D).

Claim 15: Glavich discloses of a game machine wherein the player receives only a regular bonus if wagers are less than predetermined (cols. 3-4: 58-43)

Claim 18: Glavich discloses of a game machine wherein a generation of a specific symbol combination would result in a jackpot award (col. 4: 44-3 & col. 7: 14-22)

Claims 19-20 & 43: Glavich discloses of a game machine wherein a modifier is associated with the winnings, wherein the modifier is a multiplier (col. 4: 44-57).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-8, 21, 32-33 & 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glavich as applied to claim 1-5, 9-20 & 27-46 above, and further in view of Cohen et al. (US Patent 5,231,568).

Claims 6, 7, 21, 32-33 & 44: Glavich substantially teaches all of the limitation as claimed however fails to teach of a symbol generated by a symbol generator is a product award symbol. Cohen teaches of a gaming machine wherein as a prize, the machine permits the patrons to obtain as a prize the product of service whose representations match the game symbols generated (abstract). It would have been obvious to one with ordinary skill in the art at the time of the invention to have modified the gaming machine taught by Glavich to award product as a prize to promote certain products or to offer more attractive prizes to the players (col. 1: 10-17).

Claim 8: Cohen teaches that if less than the predetermined numbers of product award symbols are generated, a different award is provided to the player (col. 2: 42-55).

Claims 37-38 & 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glavich as applied to claim 1-5, 9-20 & 27-46 above, and further in view of Kamille (US Patent 5,855,514).

Claims 37-38 & 45-46: Glavich substantially teaches all of the limitation as claimed however fails to teach of a providing the game through a data network such as Internet. Kamille teaches of a gaming machine, which could be a slot or game machine of a computer network video game (e.g. Internet, world wide web etc., col. 5: 35-40). It would be obvious to one with ordinary skill in the art at the time of the invention to have modified Glavich to include a network game, thus giving the player ability to play from different locations.

#### ***Examiner's Note***

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner

#### ***Response to Arguments***

Applicant's arguments with respect to claim 1-3, 11-13, 27-29, 35-37, 39 & 45 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunit Pandya whose telephone number is 571-272-2823. The examiner can normally be reached on 8 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The




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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SP

  
Robert Pezzuto  
Supervisory Patent Examiner  
3714